



COPY OF PAPER
ORIGINALLY FILED

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST
CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO
ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
20231 ON:

April 15, 2002

(DATE OF DEPOSIT)

David D. Murray

April 15, 2002

(DATE OF SIGNATURE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
WALTER J. KELLY, <u>et al.</u>)
)
Serial No.: 09/717,767)
) Examiner: Unknown
Filed: November 21, 2000)
) Group Art Unit: 3634
For: TWO PIECE OUTER BELT)
WEATHERSTRIP) Atty. Dkt. No. 5709-159

AFFIDAVIT OF DAVID D. MURRAY

STATE OF MICHIGAN :
: SS.
COUNTY OF WASHTENAW :

David D. Murray, being first duly sworn, deposes and
states that:

1. I am an attorney at law licensed to practice in the
states of Ohio and Michigan and am registered to practice
before the United States Patent and Trademark Office.

RECEIVED

APR 24 2002

OFFICE OF PETITIONS

2. I prepared the patent application and supervised the preparation of drawings which were entitled TWO PIECE OUTER BELT WEATHERSTRIP which is the subject of this Affidavit and of a previously filed Petition Under 37 C.F.R. 1.47(a).

3. I am aware of the facts surrounding the execution and failure to execute documents relating to this patent application by the three inventors, Walter J. Kelly, Anthony W. Loe and Christopher L. Kesh.

4. On November 9, 2000, inventors Walter J. Kelly, Anthony W. Loe and Christopher L. Kesh all executed an Assignment in favor of GenCorp, Inc. relating to patent application entitled TWO PIECE OUTER BELT WEATHERSTRIP.

5. The subject patent application was filed on November 21, 2000 and assigned Serial No. 09/717,767.

6. The Assignment was recorded in the United States Patent and Trademark Office on January 12, 2001 at Reel 011440, beginning at Frame 0826.

7. The Inventors' Declaration was subsequently executed by inventors Walter J. Kelly and Anthony Loe on April 10, 2001.

8. Based upon an indication from Walter J. Kelly that Mr. Kesh had refused to execute the patent application papers previously forwarded to him in April of 2001, on June 25, 2001, I forwarded a copy of the patent applications, drawings and Inventors' Declaration to Mr. Kesh by regular mail. A copy of this letter dated June 25, 2001 is attached as Exhibit A. I received no response to this letter.

9. Subsequently, on August 7, 2001, I again forwarded the patent application, drawings and Inventors' Declaration to Mr. Kesh. A copy of the August 7, 2001 letter is attached as Exhibit B. I received no response to this letter.

10. I prepared and filed a Petition Under 37 C.F.R. 1.47(a) on October 22, 2001 explaining the foregoing.

11. In a decision dated January 14, 2002, the Petition was dismissed. In view of the basis for such dismissal, on March 13, 2002, I once again prepared a copy of the application, drawings and Inventors' Declaration and forwarded

it to Mr. Kesh by Certified Mail. A copy of the letter of March 13, 2002 is enclosed as Exhibit C. A copy of the Certified Mail Receipt is enclosed as Exhibit D.

12. Mr. Kesh did not claim the Certified Mail and it was returned to this office on April 10, 2002. A copy of the outside of the returned envelope addressed to Mr. Kesh is enclosed as Exhibit E.

13. In view of the foregoing, it is my opinion that a reasonable interpretation of Mr. Kesh's actions is that has refused to sign the subject patent application.

Further affiant sayeth not.

RECEIVED

APR 24 2002

OFFICE OF PETITIONS

Date: April 15, 2002

David D. Murray
David D. Murray

Before me, a notary public, in and for the said county, personally appeared the above named David D. Murray, who acknowledged that he did sign the foregoing instrument. In testimony whereof, I have hereunto subscribed my name at Ann Arbor, Ann Arbor this 15th day of April, 2002.

Shelly Kean
Notary Public
Acting in Washtenaw

SEAL

SHELLY KEAN
Notary Public, Livingston County, MI
My Commission Expires 10-25-2004.